

**FILED**

**JUN 05 2017**

Clerk, U.S. District Court  
District Of Montana  
Helena

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF MONTANA**

**HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILL CHARLES WILLBANKS,

Defendant.

CR 17-05-H-SEH

ORDER

On June 5, 2017, the Defendant moved “pursuant to the authority granted by 18 U.S.C. § 3161(h)(1)(A), 18 U.S.C. § 3161(h)(1)(D), and by 18 U.S.C. § 3161(h)(7)(A), the Court vacate the trial date which is currently set for July 11, 2017, along with all associated deadlines, including the motions deadline.”<sup>1</sup>

18 U.S.C. § 4241(a) allows the Court upon motion of the defendant to conduct “a hearing to determine the mental competency of the defendant. The

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<sup>1</sup> Doc. 12 at 1.

court shall grant the motion, or shall order such a hearing on its own motion, if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.”

The motion<sup>2</sup> as presently framed provides insufficient information or grounds for the Court to determine there is “reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.”<sup>3</sup>

ORDERED:

The motion<sup>4</sup> is denied without prejudice to renewal and resubmission of the motion upon a showing of “reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and

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<sup>2</sup> Doc. 12.

<sup>3</sup> 18 U.S.C. § 4241(a).

<sup>4</sup> Doc. 12.

consequences of the proceedings against him or to assist properly in his defense,"<sup>5</sup>  
upon such showing the Court will grant or order a hearing on the motion.

DATED this 5<sup>th</sup> day of June, 2017.

  
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SAM E. HADDON  
United States District Judge

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<sup>5</sup>18 U.S.C. § 4241(a).